THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.22744 OF 2005

Between:-

Sree Surya Offeset Printers Rep. by its Proprietor K. Sridhar

…Petitioner

And

The Regional Provident Fund Commissioner.

…Respondent

Date: 24-10-2005.

ORDER:

Heard both sides.

Challenging the order of the respondent dated 20-5-2005, the present Writ Petition is filed.

The learned counsel for the petitioner contended that for the purpose of contribution of provident fund amount, two registered units have been clubbed together by the respondent and erroneously passed the impugned order. On the other hand, the learned standing counsel appearing for the respondent contended that the impugned order, passed under Section 7-A of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (for short, 'the Act'), is appellable under Section 7-I of the Act and therefore, prays to dismiss the Writ Petition.

The impugned order is passed under Section 7-A of the Act. The authority and jurisdiction of the respondent to pass the impugned order is not under challenge. The contention of the learned counsel for the petitioner is that the two units cannot be clubbed together for contribution of provident fund amount. The dispute is clearly a

question of fact, which can be assailed by way of appeal before the competent authority. It is not a case of violation of principles of natural justice and no fundamental right of the petitioner is violated.

The Writ Petition is accordingly disposed of, giving liberty to the petitioner to file appeal before the appellate authority under Section 7-I of the Act. No cost.

_____

V.ESWARAIAH, J

Date: 24-10-2005.

Shr.